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17 UNITED STATES DISTRICT COURT  
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

19 NATIONAL URBAN LEAGUE, et al.,  
 20  
 Plaintiffs,  
 21 v.  
 22 WILBUR L. ROSS, JR., et al.,  
 23 Defendants.

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CASE NO. 5:20-cv-05799-LHK

**PLAINTIFFS' PRELIMINARY  
 IDENTIFICATION OF POTENTIALLY  
 KEY DOCUMENTS IN DEFENDANTS'  
 SEPTEMBER 18, 2020 PRODUCTION  
 (INTEGRATED THIRD SET)**

Date: TBD  
 Time: TBD  
 Place: Courtroom 8  
 Judge: Hon. Lucy H. Koh

On September 19, 2020, the Court issued an Order To Identify Key Documents in Defendants' September 18, 2020 Production (ECF No. 160). Below is a list of 67 documents that at this time Plaintiffs believe, given the extremely limited information available due to the Government's extensive (and Plaintiffs believe largely unfounded) privilege claims, best support Plaintiffs' case. Plaintiffs intend to address the privilege issues surrounding many of these documents, and like documents, in their privilege objections due this evening.

Plaintiffs previously identified 50 of these documents in their filings yesterday; the third set of additional documents is bolded below, but otherwise integrated in Bates-order for ease of reference. Plaintiffs review is ongoing and to Plaintiffs will expeditiously identify additional documents to the Court if identified later. Pursuant to the Court's order (*see* Dkt. 167 at 1-2), Plaintiffs provide one sentence descriptions for each key document below.

1. **DOC-0001187-90** – redacted emails discussing the implications of the census delay for redistricting compiled by the Redistricting and Voting Rights Data Office
2. **DOC-0001191-92** – entirely withheld attachment to DOC-0001187 “Implication of schedule delays on the PL.docx.”
3. **DOC-0001245-54** – entirely withheld document, titled “2020 Census – Impacts of COVID19.”
4. **DOC-0001350-51** – document titled “120 Day\_DRAFT\_VER 1\_2020.03.24 jcrj.docx”
5. **DOC-0001483-85** – document titled “v2 Operational Adjustments and Activities-Non-Public-Tentative Dates”
6. **DOC-0001603-04** – talking points on the COVID-19 Plan and the Bureau's inability to compress the timeline further without compromising accuracy
7. **DOC-0002224-28** – entirely withheld document, filename “Rep. Raskin-Memo 4.27.2020 draft1(1).docx”
8. **DOC-0006282-97** – talking points for Fontenot for July 8 press briefing describing operations under COVID-19 Plan
9. DOC-0006508-6513 – email chain describing budget reallocations and submission to Appropriations
10. DOC-0006514 – July 15 emails sending two documents that Secretary Ross (SWLR) wants to see
11. DOC-0006515-6532 – entirely withheld document, attachment to DOC-0006514 with filename “Count Imputation Overview 6.9.20 v15.pdf”

12. DOC-0006533-6550 – entirely withheld document, attachment to DOC-0006514 with filename “2. 2020 Nonresponse Followup Overview Presentation 05.18.20.pdf”
13. DOC-0006664-65 – entirely withheld email chain from July 15 with filename “Re\_SWLR ask.pdf” regarding an ask from Secretary Ross
14. DOC-0006724-6725 – entirely withheld excel file with filename “Copy of COVID-19 Replan – Benchmark to Apport.xlsx”
15. **DOC-0006742-44** – July 16 email discussing 2020 processing acceleration
16. DOC-0006745-6763 – July 16 email and attachment containing GAO’s Statement of Facts from which GAO will draft its August written status report to the Hill
17. DOC-0006843-44 – entirely withheld document with filename “2020 Decennial Census Supplemental Funding Re.docx”
18. DOC-0007065-7067 – entirely withheld document with filename “Post Data Collecxtion Narravtive.docx”
19. DOC-0007074 – entirely withheld document with filename “Schedule Impacts due to a delay.xlsx”
20. DOC-0007075-7076 – July 20-21 email chain with subject “Urgent. Call me please” exchanging documents about post collection processing
21. DOC-0007086-7089 – entirely withheld document with filename “2020 Census Timeline Update V2.docx”
22. DOC-0007092-7112 – memorandum to Jarmin from Velkoff and Abowd with subject and contents redacted, but with filename “20200327-Memo on Undocumented-FINAL.pdf”
23. DOC-0007113-7134 – entirely withheld document with filename “Building the Estimate Slides v8 1-27-20.pptx”
24. DOC-0007190-92 – entirely withheld document with filename “Post processing for dummies guide 7-21v2DMS.docx”
25. **DOC-0007323-26** – elevator speech dated July 21 explaining that “[c]urtailing census operations will result in a census that is of unacceptable quality”
26. DOC-0007552 – July 22 email sending documents “explaining to a lay person why we need every minute of the requested schedule extension”
27. DOC-0007553-54 – entirely withheld attachment to DOC-0007552 with filename “apportionment process 072120-1 Ben Page draft.docx”
28. DOC-0007555-58 – entirely withheld attachment to DOC-0007552 with filename “Elevator Speech 7-21 draft v2.docx”
29. **DOC-0007802-04** – July 23 email circulating apportionment processing document and elevator speech document attaching both
30. **DOC-0008019-20** – later version of attachment to DOC-0007802-04 from July 24 describing “Apportionment Data Processing” and noting delay caused by

- COVID-19 “will require additional data processing to ensure people are accurately counted”
31. DOC-0008021-24 – a later draft of DOC-0007555-58, marked “Draft 7-23-2020 v4” describing why “[c]urtailing census operations will result in a census that is of unacceptable quality”
  32. **DOC-0008148-58** – July 27 hearing prep materials noting that current plan for post-processing “will not enable us to meet the statutory deadlines based on projected current field completion dates”
  33. DOC-0008337 – entirely withheld document with filename “Post Data Collection Elevator Speech.docx”
  34. DOC-0008353-60 – July 30 email chain discussing process planning meeting where Bureau staff “brainstormed and adjusted the schedule”
  35. DOC-0008364-65 – July 30 email chain about “EMERGENCY MEETING on 12\_31 Delivery of Appo” based on entry in privilege log and attaching document with filename “Delivering Apportionment by 12-31-20 Backend Proc.docx”
  36. DOC-0008366 – entirely withheld attachment to DOC-0008364-65 with filename “Delivering Apportionment by 12-31-20 Backend Proc.docx”
  37. DOC-0008367-89 – July 30 email chains regarding talking points for the Bureau into the next week, with an email from Olson hinting that something is coming in the next few days but Bureau has not told field offices yet
  38. DOC-0008623-24 – July 30 Census High-level Summary Status with a redacted portion describing issues for which “Census teams are re-planning operational schedules to address”
  39. DOC-0008683-88 – July 30 email chain discussing process planning meeting where Bureau staff “brainstormed and adjusted the schedule” and participants are adding to an attachment with filename “Delivering Apportionment by 12-31-20 Backed Proc\_jwr\_DDB-KB\_RWK.docx,” a document that includes impacts and risks
  40. DOC-0008689-90 – entirely withheld attachment to DOC-0008683-88 with filename “Delivering Apportionment by 12-31-20 Backend Proc.docx”
  41. DOC-0008740-49 – July 31 email chain with subject “Data quality”
  42. DOC-0008924-25 – July 31 emails discussion operational options to meet September 30 date and sending a consolidated file on backend processing
  43. DOC-0008928-42 – July 30-31 email chain discussing process planning meeting where Bureau staff “brainstormed and adjusted the schedule” and participants are adding to an attachment about backend processing
  44. DOC-0009054-72 – July 30-31 email chain discussing process planning meeting where Bureau staff “brainstormed and adjusted the schedule” and participants are adding to an attachment about backend processing

45. DOC-0009226-31 – July 31 email chain where participants are adding comments to the already-consolidated document with filename “Delivering Apportionment by 12-31-20 Backend Process (consolidated) LoPresti KB.docx”
46. DOC-0009463-64 – July 31 email combining various documents from Bureau operations and creating and attaching a document with filename “Options to meet September 30 v9.docx”
47. DOC-0009465-71 – entirely withheld attachment to DOC-0009463-64 with filename “Options to meet September 30 v9.docx”
48. DOC-0009533 – entirely withheld document with filename “Data processing quality statement.docx”
49. DOC-0009971-83 – July 31 email chain with subject “Data quality”
50. DOC-0010044-48 – July 31 email discussing talking points and Q/A with reporters during press briefings
51. DOC-0010061-65 – July 31 email discussing talking points and Q/A with reporters during press briefings
52. DOC-0010066-67 – July 31 email chain indicated the Bureau has finalized the Replan
53. DOC-0010089-101 – July 31 email chain with subject “Data quality”
54. DOC-0010143-56 – July 31 email chain with subject “Data quality”
55. DOC-0010275-88 – August 1 draft of the August 3 presentation to Secretary Ross noting the “significant risk to the accuracy of the census data” and that “at least 99% of Housing Units” need to be resolved “to achieve an acceptable level of accuracy”
56. DOC-0010635-41 – August 1 email chain discussing and making edits to the August 3 presentation slides
57. DOC-0010693-99 – August 1 email chain discussing and making edits to the August 3 presentation slides
58. **DOC-0010787-98** – August 1 email chain discussing and making edits to the August 3 presentation slides noting need to send staff to locations “regardless of covid levels”
59. DOC-0010988-11003 – August 1 email chain discussing and making edits to the August 3 presentation slides
60. DOC-0011918-82 – according to privilege log, emails from Tim Olson’s binder discussing Director Dillingham’s forthcoming August 3 statement, changes to the August 3 presentation slides (including addition of a Presidential Memo slide), and setting the August 3 meeting
61. DOC-0012498 – August 2 email sending current set of August 3 presentation to Secretary Ross
62. DOC-0013150 – August 2 email sending meeting information and Jarmin sending August 3 presentation to Director Dillingham

- 1           63. **DOC-0013288-92** – August 2 email chain entitled “Fwd\_Slides(1)” discussing  
2           how to “achieve the goals of directives from Secretary Ross regarding  
3           implementation of the PM.”
- 4           64. **DOC-0013800** – August 2 email sending draft statement for Director  
5           Dillingham
- 6           65. **DOC-0013801-02** – entirely withheld attachment to DOC-0013800 with  
7           filename “FOR REVIEW- Draft Director Dillingham Statement v 5 clean.docx”
- 8           66. DOC-0014765 – August 3 email sending revised draft statement to Director  
9           Dillingham
- 10          67. DOC-0014766-67 – entirely withheld attachment to DOC-0014765 with  
11          filename “FOR REVIEW- Draft Director Dillingham Stateme.docx”

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13       Dated: September 20, 2020

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**ATTESTATION**

I, Sadik Huseny, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: September 20, 2020

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